

SRI LANKA (Tier 2 Watch List)

Sri Lanka is primarily a source and, to a much lesser extent, a destination country for men, women, and children subjected to forced labor and sex trafficking. Some of the Sri Lankan men, women, and children (16 to 17 years old) who migrate consensually to Saudi Arabia, Kuwait, Qatar, the United Arab Emirates, Jordan, Bahrain, Lebanon, Iraq, Afghanistan, Malaysia, and Singapore to work as construction workers, domestic servants, or garment factory workers subsequently face conditions indicative of forced labor including restrictions on movement, withholding of passports, threats, physical or sexual abuse, and threats of detention and deportation for immigration violations. Before their departure, many male migrant workers go into debt to pay high recruitment fees imposed by unscrupulous licensed labor recruitment agencies—most of them members of Sri Lanka's Association of Licensed Foreign Employment Agencies (ALFEA)—and their unlicensed sub-agents; female migrants report being required to pay off recruitment fees through salary deductions in the destination country. Some recruitment agencies and agents also commit fraud by engaging in contract switching; they promise one type of job and conditions but then change the job, employer, conditions, or salary after arrival. In the reporting period, due to recent government restrictions on the emigration of Sri Lankan women, fraudulent recruitment agents have increased their recruitment of Sri Lankan men to travel abroad. In 2012, Sri Lankan victims of forced labor were identified in Israel. Some Sri Lankan women are subjected to forced prostitution in Jordan, Singapore, Maldives, and other countries.

Within the country, women and children are subjected to sex trafficking in brothels. Boys are more likely than girls to be forced into prostitution in coastal areas for domestic child sex tourism. Children, individuals with physical deformities, and those from socially vulnerable groups are forced to beg or engage in criminal activity in the cities of Colombo and Kandy. In addition, there have been reports of children being subjected to bonded labor and forced labor in dry-zone farming areas on plantations, and in the fireworks and fish-drying industries. Some child domestic workers in Colombo, generally from the Tamil tea-estate sector of the country, are subjected to physical, sexual, and mental abuse, nonpayment of wages, and restrictions of their movement. Internally-displaced persons, war widows, and unregistered female migrants remained particularly vulnerable to human trafficking. A small number of women from Thailand, China, and countries in South Asia, Europe, and the former Soviet Union have been subjected to forced prostitution in Sri Lanka in recent years.

The Government of Sri Lanka does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, the government failed to demonstrate evidence of increasing overall efforts to address human trafficking over the previous reporting period; therefore, Sri Lanka is placed on Tier 2 Watch List. Law enforcement efforts and victim protection, particularly identification, were very weak during the reporting period. The government, however, continued modest prevention efforts, including convicting one labor recruiter who committed fraudulent recruitment, continued inter-ministerial coordination, and developed a national action plan. Despite trainings and the partial implementation of victim identification procedures, the government did not report that it identified any trafficking victims. Government officials confused trafficking in persons with other crimes, such as human smuggling, illegal immigration, and prostitution; this confusion impeded law enforcement and victim protection efforts.

Recommendations for Sri Lanka: Improve efforts to investigate and prosecute suspected trafficking offenses, respecting due process, and convict and punish trafficking offenders; investigate and prosecute government officials suspected of complicity in human trafficking; approve and fully implement procedures to proactively identify trafficking

victims among vulnerable populations and refer them to care facilities; train local and national government officials on care and referral procedures; ensure that victims of trafficking found within Sri Lanka are not detained or otherwise penalized for unlawful acts committed as a direct result of being trafficked, such as visa violations or prostitution; train local law enforcement on investigation of cases and evidence-collection as well as the provisions of Article 360(C) of the penal code; continue to clarify the definition of human trafficking, as well as the differences between trafficking and crimes such as smuggling and prostitution, in training of government officials; facilitate the speedy repatriation of foreign trafficking victims by providing airfare and not obligating them to remain in the country if they choose to initiate law enforcement proceedings; provide witness protection and incentives for victims to cooperate with law enforcement to enable prosecutions; improve services for shelters, legal aid, and counseling, and improve staff training at embassies in destination countries; promote safe and legal migration rather than imposing discriminatory policies that discourage migration or impose age restrictions on migrants; implement the provision of the Abu Dhabi Dialogue Framework for Regional Cooperation on reducing recruitment costs for migrants; increase the accessibility of information about the migration process to potential migrants before they decide to migrate; continue to raise awareness of the criminal penalties for engaging in child sex tourism; improve quality of pre-departure trainings, including by teaching sessions on labor rights, labor laws, and methods to access justice and assistance in destination countries and in Sri Lanka; expand the Bureau of Foreign Employment's mandate to include the regulation of subagents; improve data collection on the number of trafficking victims identified and assisted in Sri Lanka and in Sri Lankan embassies; and accede to the 2000 UN TIP Protocol.

Prosecution

The Sri Lankan government continued limited law enforcement efforts to address human trafficking during the reporting period. Sri Lanka prohibits all forms of trafficking through Article 360(C) of its penal code, which prescribes punishments of up to 20 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. The government investigated 44 cases of trafficking in 2012, the same number that was investigated in 2011. The government did not report any prosecutions or convictions for human trafficking under Article 360(C) in 2012 or 2011. Civil society groups report that human trafficking offenses may escape detection, or offenders may be convicted of lesser offenses or civil violations under non-trafficking statutes, due to difficulties in obtaining sufficient evidence and law enforcement officials' confusion of human trafficking and other crimes, such as smuggling or prostitution. The Criminal Investigation Department reported it jointly investigated a potential human trafficking case with police in Malaysia, and the investigation concluded as there was insufficient evidence of trafficking. The government did not report on the disposition of a joint investigation with Singaporean police that occurred in 2011.

Government employees' complicity in trafficking offenses remained a problem. There were allegations that police and other officials accepted bribes to permit brothels to operate; some of the brothels exploited trafficking victims. Many recruitment agencies were run by politicians or were politically- connected. Some sub-agents cooperated with Sri Lankan officials to procure forged or modified documents, or real documents with false data, to facilitate travel abroad. The government did not report any prosecutions of government employees for alleged complicity in trafficking-related offenses during the reporting period. Senior officials from the attorney general's office and the police department conducted anti-trafficking modules in a five-day training-of-trainers program organized by an international organization.

Protection

The government made limited progress in protecting victims of trafficking during the year. The government did not approve its draft standard operating procedures (SOPs) for the identification of trafficking victims and their referral to protective services; consequently, trafficking victims may have been inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of their being trafficked. Some government officials had reportedly begun to implement the victim identification SOPs, which, as of the publication of this report, were pending final approval. Furthermore, various government agencies—including the Department of Immigration and Emigration, the Ministry of Child Development and Women's Affairs (MCDWA), and the Sri Lankan Embassy in Jordan—reportedly trained government officials on human trafficking, including on the identification and protection of victims. Despite the draft SOPs and training, the government did not report that it identified or assisted any trafficking victims in the reporting period. IOM reported assisting one male and 82 female trafficking victims in Sri Lanka in 2012. While the groundbreaking for a counter-trafficking shelter occurred in December 2012, the shelter was not yet operational at the close of the reporting period. The shelter is funded by a foreign government and will be operated by an international organization; the Sri Lankan government contributed the land and building.

The Bureau of Foreign Employment (SLBFE) continued to operate short-term shelters in Sri Lankan embassies and an overnight shelter in Sri Lanka's international airport for returning female migrant workers who encountered abuse abroad. These facilities were funded by fees the SLBFE collected from registered migrant workers prior to their departure. There was no information as to whether these embassy shelters restricted adult victims' freedom of movement. Civil society groups questioned whether the SLBFE's mandate of protecting migrant workers may be compromised by its funding sources—migrant workers' recruitment fees and commissions paid by employment agencies; these fees give the bureau incentives to promote migration rather than protect the workers. In the reporting period, the Sri Lankan embassy in Jordan sheltered over 250 Sri Lankan female domestic workers, some of whom were trafficking victims. There was no information on whether the government encouraged victims to assist in the investigation and prosecution of trafficking cases. The government did not provide foreign victims with legal alternatives to their removal to countries where they might face hardship or retribution.

Prevention

The Sri Lankan government made limited progress in its efforts to prevent trafficking during the last year. The government's inter-ministerial anti-trafficking taskforce continued to meet monthly and developed a 2012 anti-trafficking action plan, which was adopted in March 2012. In December 2012, the Colombo High Court sentenced a recruitment agent, convicted for fraudulent recruitment under Article 360(C), to two years' imprisonment and a fine, but suspended the sentence. The government imposed a ban on the migration of females younger than 25 years for domestic work in Saudi Arabia and often refused to allow women with young children to migrate for work; evidence shows that bans such as these may drive migration further underground and lead to increased human trafficking. The MCDWA conducted programs to educate women on human trafficking. While the SLBFE continued to require migrant domestic workers with no experience working in the Middle East to complete a 12-day pre-departure training course, this did not always happen in practice. Furthermore, the majority of returning migrants who had taken the course reported that the pre-departure training they received was not helpful in their destination country. The government adopted the Abu Dhabi Dialogue Framework of Regional Collaboration, which includes provisions to familiarize workers with their rights and reduce recruitment fees. In measures that could prevent transnational labor trafficking of

Sri Lankans, the SLBFE reported that it filed 35 charges against recruitment agencies in 2012 for charging illegal fees in recruitment (compared to 276 agencies charged in 2011) and fined recruitment agencies found to be guilty of fraudulent practices the approximate equivalent of about \$10,000 (in comparison to the approximate equivalent of \$25,000 in 2011). The SLBFE conducted island-wide programs for police and local government authorities on the identification of illegal labor recruitment practices, and aired 30-minute docudramas on safe migration and human trafficking at various locations. The Government of Sri Lanka, working with UNDP, continued to provide personnel time to conduct mobile documentation clinics for conflict-affected people. In order to address child sex tourism, the National Child Protection Authority created and distributed 20,000 flyers warning of the legal penalties for acts of child sexual exploitation, distributed in tourist areas of southern Sri Lanka. The Government of Sri Lanka did not report any efforts to reduce the demand for commercial sex acts during the reporting period. Nine hundred Sri Lankan peacekeepers received training on human trafficking prior to their deployments abroad for international peacekeeping missions. Sri Lanka is not a party to the 2000 UN TIP Protocol.

Full report: <http://www.state.gov/j/tip/rls/tiprpt/2013/index.htm>